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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,219	08/11/2006	Martin Landwehrr	7347-000008/US/NP	5855

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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
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3676

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,219	Applicant(s) LANDWEHR ET AL.	
	Examiner Alyson M. Merlino	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11 August 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Reference to the claims on pages 2 and 3 is improper within the specification.
 - b. On page 4, line 7 of the first full paragraph, reference character 4 following the phrase "base container" should be 3.Appropriate correction is required.

Claim Objections

2. **Claims 1, 4, and 8 are objected** to because of the following informalities:
 - a. **In regards to claims 1 and 8**, the "valuables case" term should be used throughout the claims, not "valuables container" as found in line 7 of claim 1 and line 3 of claim 8.
 - b. **In regards to claim 4**, the phrase "a vibration generator" should read "the vibration generator" since the vibration generator is disclosed in claim 1.Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 2 and 5-8 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. **Claim 2** recites the limitation "the walls" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Furthermore, in regards to claim 2, it is not clear what is being claimed in lines 3 and 4 of the claim. Specifically, the term "form" in regards to the configuration of the at least one holding chamber is unclear. Also, in line 5 of the claim, the phrase "at least one or one of the holding chambers" is in the alternative, and will be considered as at least one until further clarification from applicant. For examination purposes, claim 2 will be examined as best understood until further clarification from applicant.
6. **Claim 5** recites the limitation "the sensor element" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. **Claim 6** recites the limitation "piezoactuator" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. **Claim 7** recites the limitation "piezofilm" in line 2 of the claim, "entire wall structure" in lines 2 and 3, and "functional areas" in line 3. There is insufficient antecedent basis for these limitations in the claim. Furthermore, it is unclear what is being claimed in the phrase "apart from the functional areas for authorized securities withdrawal" since there is no antecedent basis for the functional areas, and since it is unclear what portion of applicant's device is denoted as the functional areas. For examination purposes, claim 7 will be given a broad interpretation until further clarification from applicant.
9. **Claim 8** recites the limitation "the walls" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. **Claims 1, 8, and 9 are rejected** under 35 U.S.C. 102(a) as being anticipated by Lindskog (US-6564726).

12. **In regards to claim 1**, Lindskog discloses a valuables case (Figure 2) having an interior (inside portion with banknotes, Figure 10 for holding securities (Col. 2, lines 47-57) having a safety device 10 including at least one holding chamber 60 for a liquid 61, particularly an ink (Col. 3, line 65-Col. 4, line 3), and a measuring and triggering device (Figure 9) for registering at least one parameter of the valuables case and for triggering release of the liquid from the holding chamber into the valuable container on the basis of the measured parameter (Col. 4, lines 54-60). Lindskog further discloses that the case includes at least one vibration generator associated with the safety device (vibration created by explosion or other forced entry on case including the holding chamber within the case, Col. 4, lines 54-60) generating vibrations in the liquid in the at least one holding chamber, and that the measuring and triggering device is designed to register at least one vibration parameter and to release the liquid from the holding chamber into the interior on the basis of the measured vibration parameter (Col. 4, lines 54-60).

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13. **In regards to claim 8**, Lindskog discloses at least one wall of the valuables case being in the form of a double wall (double wall structure created by wall near reference character 3 and wall near reference character 12, Figure 2) which forms an interior cavity for holding the liquid (cavity created having holding chamber, Figure 2).

14. **In regards to claim 9**, Lindskog discloses that the valuables case has a base container 2 and a lid 3 sealing the base container (Figure 1).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claim 2 is rejected (as best understood)** under 35 U.S.C. 103(a) as being unpatentable over Lindskog (US-6564726) in view of Hanausek (DE 399790 C).

17. **In regards to claim 2**, Lindskog discloses the valuables case as applied to claim 1 above, but fails to disclose that a holding chamber could be located on all sides of the housing. Hanausek teaches a valuables case (Figure 3) having a holding chamber 3, 4, 5, 6 on each wall of the case (Figure 3). Since the inclusion of a holding chamber on each wall of the valuables case disclosed by Lindskog would not affect the safety device's ability to release the liquid, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place more holding chambers in the case in order to enhance the security of the case, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

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18. **Claims 3 and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Lindskog (US-6564726).

19. **In regards to claim 3**, although Lindskog does not specifically disclose that the measuring and triggering device, as discussed above, has a measuring and control computer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the measuring and triggering device be associated with a measuring and control computer for enhancing the security of the case so that the measured parameters can be evaluated and the proper action taken, i.e. release the ink, and since the use of a computer for evaluating data from sensors is well known in the art.

20. **In regards to claim 10**, although Lindskog does not specifically disclose that the valuables case is produced using a thermoplastic method, the examiner would like to point out that these limitations are process limitations relating to the method or process by which the device is being fabricated. Therefore, even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. Thus since Lindskog discloses the same final product as applicant, the claimed limitations are met.

21. The examiner would also like to state that even though Lindskog does not specifically disclose that the valuables case is produced using a thermoplastic method,

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it would have been within the level of one having ordinary skill in the art at the time the invention was made to form the device using a well known forming method and a well known set of materials, thermoplastics, since it has been held that forming a device using a well known method and well known material for a specific situation which warrants the use of the method and material involves only routine skill in the art.

22. **Claims 5-7 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Lindskog (US-6564726) in view of Claesson et al. (US Pub. No. 2002/0033083 A1).

23. **In regards to claim 5-7**, Landskog discloses the valuables case as applied to claim 1 above, having a sensor element 101, but fails to disclose that the at least one vibration generator and/or the sensor element are in the form of a piezoactuator.

Claesson et al. teaches an apparatus 23 including a system for controlling vibration a piezoactuator components 24, 25, 26, 27 that can generate and sense vibrations within the apparatus (Paragraph 28). Claesson et al. further teaches that the piezoactuator could be in the form of a piezofilm (Paragraph 45), and that the piezoactuator components cover the entire wall structure of the apparatus 23 (Figure 2).

24. Since the specification of the sensor element disclosed by Lindskog as a piezoactuator for sensing vibrations within an apparatus would not affect the measuring and triggering device's ability to release the ink, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the sensor be a well known sensing means or piezoactuator for enhancing the reliability of the sensor element in detecting the vibrations and releasing the ink. Furthermore, since sensors, by their nature, can be placed in many different locations within an apparatus or device,

it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the sensor element be placed along the entire wall of the case to ensure that all and any vibrations are detected.

Allowable Subject Matter

25. **Claim 4 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohnishi et al. (US Pub. No. 2003/0116641 A1) discloses an apparatus using a piezoactuator to create and detect vibrations in a liquid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyson M. Merlino whose telephone number is (571) 272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM *AM*
May 30, 2007

A handwritten signature in black ink, appearing to read "Brian Glessner", followed by a long horizontal flourish.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER